APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,402	09/17/2003	Xin Xue	SONY-26500	9325

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EXAMINER
NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2194	

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09/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/666,402	XUE ET AL.
	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 June 2009</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,4-20,23-34,37-51,54-66, and 69-85</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 4-20, 23-34, 37-51, 54-66, and 69-85</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>4/3/09,4/23/09,4/29/09,5/19/09,7/10/09,7/16/09</u>

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the amendment filed 10 June 2009.

Claims 1, 4-20, 23-34, 37-51, 54-66, and 69-85 are pending in the application. Claims 1,

4, 6, 9, 10, 20, 23, 25, 28, 29, 34, 37, 39, 42, 43, 51, 54, 56, 59, 60, 66, 69, 71, 74, 75, 83,

84, and 85 have been amended. Claims 2, 3, 21, 22, 35, 36, 52, 53, 67, and 68 have been

canceled.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-18, 20, 23-34, 37-51, 54-66, and 69-85 are rejected under 35 U.S.C. 102(b)

as being anticipated by **Kloba et al.** (US 6,341,316 B1).

As to claim 1, Kloba teaches a network of devices to filter synchronized data, the

network of devices comprising:

a content server to store content [col. 8 lines 15 – 28; col. 12 lines 35 – 45];

a first network device [col. 8 lines 15 – 28; col. 12 lines 35 – 45]; and

a middleware filter coupled to the first network device and to the content server such that during a data synchronization, content is received by the middleware filter from the content server according to the data synchronization and the middleware filter is programmed to selectively filter the content resulting in filtered content and send only the filtered content to the first network device [col. 5 lines 41 – 52; col. 14 lines 29 – 53; col. 20 lines 15 – 34], wherein the middleware filter selectively filters in response meta data within the content, wherein the meta data comprises a data type of the content [Table 3; col. 6 lines 1 – 38; col. 15 lines 15 – 34].

As to claim 4, Kloba teaches the middleware filter reads the metadata of the content received from the content server and sends the content to the first network device if the data type of the read metadata matches an authorized data type associated with the first network device [Table 3; col. 6 lines 1 – 38; col. 15 lines 15 – 34].

As to claim 5, Kloba teaches the middleware filter stores the authorized data type of the first network device [col. 4 line 66 – col. 5 line 6; col. 8 lines 31 – 37].

As to claim 6, Kloba teaches the metadata includes an authorized network device type [Table 3; col. 5 line 64 – col. 6 line 38].

As to claim 7, Kloba teaches the middleware filter reads the metadata of the content received from the content server and sends the content to the first network device if the authorized network device type of the read metadata matches a network device type associated with the first network device [Table 3; col. 5 line 64 – col. 6 line 38].

As to claim 8, Kloba teaches the middleware filter stores the network device type of the first network device [col. 4 line 66 – col. 5 line 6; col. 8 lines 31 – 37].

As to claim 9, Kloba teaches the metadata is added to the content by the content server [Fig. 1; col. 28 lines 20 – 22].

As to claim 10, Kloba teaches the metadata includes data synchronization information corresponding to the data synchronization [col. 22 lines 12 – 37].

As to claim 11, Kloba teaches a display coupled to the middleware filter to display the data synchronization information [col. 8 lines 55 – 60; col. 12 lines 59 – 60].

As to claim 12, Kloba teaches the data synchronization is a one-way data synchronization [col. 14 lines 46 – 53].

As to claim 13, Kloba teaches the data synchronization is a bi-directional data synchronization [col. 5 lines 35 – 40].

As to claim 14, Kloba teaches the middleware filter is within a second network device and the second network device comprises a personal computer [col. 8 lines 15 – 28].

As to claim 15, Kloba teaches the first network device comprises a PDA [col. 10 lines 32 – 42].

As to claim 16, Kloba teaches the content server comprises a web server [col. 4 lines 54 – 58; col. 27 lines 12 – 24].

As to claim 17, Kloba teaches the middleware filter is within a second network device and the second network device comprises a server [col. 5 lines 41 – 67; col. 6 lines 25 – 38; col. 14 lines 29 – 53].

As to claim 18, Kloba teaches a second network device coupled in between the content server and the first network device, wherein the second network device includes the middleware filter [col. 5 lines 41 – 52; col. 7 line 66 – col. 8 line 7].

As to claim 20, see the rejections of claims 1, 14, 15 and 18.

As to claims 23 – 33, see the rejections of claims 4 – 13 and 16.

As to claim 34, see the rejections of claims 1 and 18.

As to claims 37 – 50, see the rejections of claims 4 – 17.

As to claim 51, see the rejection of claim 1. Also, see Kloba column 5 lines 41 – 67 and column 20 lines 15 – 18.

As to claims 54 – 65, see the rejections of claims 4 – 13, 15 and 16.

As to claims 66 , 69– 78, 80 and 81, see the rejections of claims 1, 4 – 13, 15 and 16.

As to claim 79, see the rejections of claims 14 and 18.

As to claim 82, see the rejections of claims 17 and 18.

As to claims 83 – 85, see the rejection of claim 1.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if
the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would
have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kloba** (US

6,341,316 B1).

As to claim 19, Kloba at least implies the content server can include the middleware filter

because Figure 36 shows the clients connected to the server without showing an external

content provider. Furthermore, Kloba teaches the providers can include a server that

provides content and is similar to the server 104 shown in Figure 1 [col. 12 lines 35 – 44].

Therefore, it is at least implied that the server in Figure 36 can also provide the content,

making it obvious to have the content server include the middleware filter.

Response to Arguments

Applicant's arguments filed 10 June 2009 have been fully considered but they are not persuasive.

Applicant argues in substance that Kloba fails to teach "a middleware filter that filters the content and sends only filtered content to a device. Kloba merely teaches that selected content is sent to the mobile device during a synchronization process. Kloba does not teach that content is filtered based on meta data contained within the content. Further, Kloba does not teach that the middleware filter selectively filters meta data comprising a data type of the content".

Examiner respectfully disagrees. Kloba teaches filtering content and sending only the filtered content by sending changed objects [col. 14 lines 46 – 50]. Kloba clearly describes the server 104, which corresponds to the claimed middleware filter, receiving multiple objects and sending only objects that have changed to the client 108, which corresponds to the claimed first network device [col. 14 line 64 – col. 15 line 2]. The server 104 collects all resources [col. 14 lines 62 – 63] before filtering the collection of objects and sending only the changed objects [col. 14 line 64 – col. 15 line 2]. Also, Kloba teaches the content is filtered based on meta data contained within the content and the middleware filter selectively filters meta data comprising a data type of the content [Table 3; col. 6 lines 1 – 38; col. 15 lines 15 – 34].

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In re Hyatt 21 1 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (1989) "During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."

Applicant should set forth claims in language that clearly, distinctly, unambiguously, and uniquely define the invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry or a general nature or relating to the status of this application should
be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to VAN H. NGUYEN whose telephone number is (571)
272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM-
6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the
examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH
can be reached at (571) 272-6799.

The fax phone number for the organization where this application or proceeding is
assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published
applications may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished applications is available through Private PAIR only. For
more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have
questions on access to the Private PAIR system, contact the Electronic Business Center
(EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer
Service Representative or access to the automated information system, call 800-786-9199
(IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194